

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHARLES THOMAS HAWLEY,

Plaintiff,

-vs-

Case No. 14-C-1511

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

DECISION AND ORDER

Plaintiff Charles Thomas Hawley (“Hawley”) seeks leave to proceed *in forma pauperis* (“IFP”) (ECF No. 2) on his appeal from the denial of his application(s) for social security disability insurance benefits. In order to authorize a litigant to proceed IFP, the Court must make two determinations: first, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i). The Court must deny a request to proceed IFP if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

By his petition and affidavit to proceed IFP, Hawley avers that he is

single. Monthly, Hawley receives \$191 in public assistance. Hawley has no valuable tangible property and has no funds in a checking or savings account. Hawley's monthly expenses exceed his monthly total income.

Based on the information provided, Hawley has satisfied the requirements of 28 U.S.C. § 1915(a) by demonstrating that he is unable to pay the \$350 filing fee for this action. Furthermore, Hawley's Complaint states an arguable claim for relief. Accordingly, Hawley's petition for leave to proceed IFP is granted.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

Hawley's petition for leave to proceed IFP (ECF No. 2) is
GRANTED.

Dated at Milwaukee, Wisconsin, this 17th day of December, 2014.

BY THE COURT:



HON. RUDOLPH T. RANDA
U.S. District Judge